

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, MAY 30, 2006 AT 2:00 P.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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**NOTE:** The public portion of the meeting will begin at 2:00 p.m. The City Council may meet in Closed Session after the open session. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

A Special Meeting of the **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                    PLEDGE OF ALLEGIANCE.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

ITEM-30:                    Fire Chief Jeff Bowman Day.  
MAYOR SANDERS’ RECOMMENDATION: Adopt the resolution.

### **NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

### **COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

### **=== LEGISLATIVE SCHEDULE (Continued) ===**

#### **Adoption Agenda, Consent Items**

ITEM-50: Elimination of the Time Limit for Establishing Loans, Advances, and Indebtedness in the College Grove Redevelopment Area. (Eastern Community Area. Districts 4 and 7.)  
**CITY COUNCIL'S RECOMMENDATION:** Adopt the ordinance which was introduced on 5/16/2006, Item 332.

ITEM-51: Lease Agreement with the State of California Department of Transportation; and Agreement with the City of San Diego Redevelopment Agency for the Lease and Maintenance of Cortez Hill/Tweet Street Park. (Centre City Community Area. District 2.)  
**CITY COUNCIL'S RECOMMENDATION:** Adopt the ordinance which was introduced on 5/16/2006, Item 331.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-52: Repealing San Diego Municipal Code Sections Dealing with Permits for Charitable Solicitation.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 5/16/2006, Item 52.
- ITEM-53: Second Amendment to Agreement with MWH Americas, Inc. for Consulting Services for Research on Water Treatment Equipment.  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 4/5/2006, NR&C voted 4 to 0 to approve.
- ITEM-100: La Jolla Cove Wall Replacement and Bluff Improvements. (La Jolla Community Area. District 1.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Francis Street Excess Land Sale. (Mountain View Community Area. District 4.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-102: Two actions related to Inviting Bids for the Construction of Sewer Group 783. (Eastern and College Community Areas. District 7.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 4/5/2006, NR&C voted 4 to 0 to approve.
- ITEM-103: Two actions related to Inviting Bids for the Construction Contract for Sewer Group 741 Project. (Uptown and Greater North Park Community Areas. Districts 2 and 3.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 1/18/2006, NR&C voted 3 to 0 to approve staff's report.
- ITEM-104: Three actions related to Amending the Linda Vista Public Facilities Financing Plan for FY 2004 and Authorizing a Grant Application for the Linda Vista Community Park Picnic Area. (Linda Vista Community Area. District 6.)  
STAFF'S RECOMMENDATION: Adopt the resolutions.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-105: Fifth Amendment to the Retainer Agreement with Latham & Watkins for Outside Counsel Services in Otay Acquisition v. City of San Diego, SDSC Case No. GIC 753247; National Enterprises v. City of San Diego, SDSC Case No. GIC 730011; Border Business Park, Inc. v. City of San Diego, SDSC Case No. GIC 692794; and Related Matters. (Otay Mesa Community Area. District 8.)  
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-106: Item 106 has been taken off the docket.
- ITEM-107: Accepting Donations Pursuant to Council Policy 100-02 and Ratifying Apparent Council Action dated April 16, 2006, Placing in the Union Tribune an Advertisement Encouraging Citizen Participation in City Council Meetings for the Proposed FY 2007 Budget.  
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.
- ITEM-108: Mission Hills 20SD Conversion Easement Grant to San Diego Gas & Electric Company. (Mission Hills, northerly end of Arista Drive just east of Hickory Street Community Area. District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-109: 28<sup>th</sup> Street 20SD Conversion Easement Grant to San Diego Gas & Electric Company. (Logan Heights, southwest corner of La Binda Park Community Area. Districts 4 and 8.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-110: Proposition 81 The California Reading and Literacy Improvements and Public Library Construction and Renovation Bond Act of 2006.  
COUNCILMEMBER MADAFFER'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-111: Water Easement Quitclaim. (City of Escondido northwest of the Wild Animal Park.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Settlement of Personal Injury Claim of Daniel Raymond Garcia. (District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Reappointments to the Solid Waste Local Enforcement Agency Hearing Panel.  
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-114: The International Rescue Committee (IRC) San Diego Day.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-115: Appointment to the San Diego Model School Development Agency Board of Directors. (City Heights Community Area. District 3.)  
SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION: Adopt the resolution.
- ITEM-116: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-117: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: Amending the San Diego Municipal Code Relating to Pedicab Regulations and Transfer of Program to Metropolitan Transit System (MTS).  
PUBLIC SAFETY AND NEIGHBORHOOD SERVICES  
COMMITTEE'S RECOMMENDATION: On 5/18/2005, PS&NS voted 4 to 0 to approve the City Manager's recommendations.
- ITEM-201: Modifications to Mayor's 2006-2007 Budget.  
INDEPENDENT ANALYST'S RECOMMENDATION: Adopt the resolution.
- ITEM-202: Mayor's Response to the San Diego County Grand Jury Report on Qualcomm Stadium Advisory Board.  
MAYOR SANDERS' RECOMMENDATION: Take the actions.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Monday's, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

**Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Public Notices

- ITEM-250:           Submission of Ballot Proposals
- ITEM-251:           **Notice** of Pending Final Map Approval – 1260 Parker Place.
- ITEM-252:           **Notice** of Pending Final Map Approval – 5358 Rex Avenue.
- ITEM-253:           **Notice** of Pending Final Map Approval – Felton Street.
- ITEM-254:           **Notice** of Pending Final Map Approval - Sunset Cove.
- ITEM-255:           **Notice** of Pending Final Map Approval - 2161 Saipan Drive.
- ITEM-256:           **Notice** of Pending Final Map Approval - Blue Waters Condominiums.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment



**=== EXPANDED CITY COUNCIL AGENDA ===**

SPECIAL ORDERS OF BUSINESS

ITEM-30: Fire Chief Jeff Bowman Day.

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1007)

Proclaiming May 30, 2006, to be "Fire Chief Jeff Bowman Day" in the City of San Diego.

### **NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

### **COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

### **REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

### **ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 10:00 a.m.

### **ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, and 52.

### **ORDINANCES TO BE INTRODUCED:**

Items 53.

### **RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION:**

- \* ITEM-50: Elimination of the Time Limit for Establishing Loans, Advances, and  
Indebtedness in the College Grove Redevelopment Area.

(See Redevelopment Agency Report No. RA-06-11/RTC-06-24. Eastern  
Community Area. Districts 4 and 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/16/2006, Item 332. (Council  
voted 6-1. Councilmember Madaffer not present):

(O-2006-123)

Eliminating the time limit for establishing loans, advances, and indebtedness to  
carry out the Redevelopment Plan for the College Grove Redevelopment Project  
Area.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-51: Lease Agreement with the State of California Department of Transportation; and Agreement with the City of San Diego Redevelopment Agency for the Lease and Maintenance of Cortez Hill/Tweet Street Park.

(See Centre City Development Corporation Report No. CCDC-06-07/  
CCDC-06-06. Centre City Community Area. District 2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/16/2006, Item 331. (Council voted 7-0. Councilmember Madaffer not present):

(O-2006-109)

Authorizing the Mayor of the City of San Diego, or designee, to execute for and on behalf of the City of San Diego, a Marler Johnson Park Lease Agreement with the State of California Department of Transportation, for the lease of a portion of right-of-way at Date Street and Tenth Avenue, under the conditions set forth in that Lease Agreement;

Authorizing the Mayor of the City of San Diego, or lawful designee, to execute, for and on behalf of the City of San Diego, an Agreement with the Redevelopment Agency of the City of San Diego, for the maintenance of Cortez Hill/Tweet Street Park located on Date Street and Tenth Avenue.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-52: Repealing San Diego Municipal Code Sections Dealing with Permits for Charitable Solicitation.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/16/2006, Item 52. (Council voted 7-0. Councilmember Madaffer not present):

(O-2006-102)

Amending Chapter 5, Article 7, Division 00, of the San Diego Municipal Code by repealing Sections 57.01, 57.01.1, 57.01.2, 57.01.3, 57.01.4, 57.01.5, 57.01.6, 57.01.7, 57.01.8, 57.01.9, 57.01.10, 57.01.11, 57.01.12, 57.01.13, 57.01.14, 57.01.15, 57.01.16, 57.01.17, 57.01.18, 57.01.19, 57.01.20, 57.01.21, 57.01.22, 57.01.23, 57.01.24, 57.01.25, 57.01.26, 57.01.27, 57.01.28, 57.01.29, 57.01.30, 57.01.31, 57.01.32, 57.01.33, 57.01.34, 57.01.35, 57.01.36, 57.01.37, 57.01.38, 57.01.39, 57.01.40, 57.01.41, 57.01.42, 57.01.43, 57.01.44, 57.01.45, 57.01.46, 57.01.47, 57.01.48, relating to Charitable Solicitations.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES TO BE INTRODUCED:**

- \* ITEM-53: Second Amendment to Agreement with MWH Americas, Inc. for Consulting Services for Research on Water Treatment Equipment.

(See Executive Summary Sheet dated 3/28/2006.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2006-129)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute a Second Amendment to Agreement between the City of San Diego and MWH Americas, Inc. for Consulting Services for Water Treatment Equipment Research, together with any reasonably necessary modifications or amendments thereto which do not increase agreement scope or cost and which the Mayor, or his designees, shall deem necessary from time to time in order to carry out the purposes and intent of the Agreement;

Declaring this activity is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 because this activity consists of basic data collection, research, experimental management, or resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

**NOTE:** 6 votes requires pursuant to Charter Section 99.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/5/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

**SUPPORTING INFORMATION:**

The City of San Diego Water Department (Department) has an active research program which tests and evaluates the most recent advances in water treatment technology on local waters. This research program provides water quality data and cost estimating information that allows the Department to better evaluate potential water supply options.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-53: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The program uses MWH Americas, Inc., a consultant with expertise in advanced treatment technologies, to conduct pilot scale research projects and studies which are primarily grant funded. MWH is one of the industry leaders in advanced treatment technology research and provides valuable services to the City.

Based on a competitive procurement process, on August 6, 2001, the City Council authorized execution of an as-needed water treatment equipment research Agreement with MWH (Document No. RR-295356). This Agreement authorized an expenditure of up to \$3 million over a three year period. On August 6, 2004, an amendment to extend the contract term by two years (to a total of five years) was approved by City Manager Action. The expenditure limit was unchanged.

To reach the City's Long- Range Water Resources Plan goals, the City must develop local groundwater sources. The San Pasqual Brackish Groundwater Desalination Project is estimated to potentially create an additional 5,000 AFY of potable water for San Diego. With the extension of the MWH Agreement, the City can immediately undertake 12 months of 100% grant reimbursable research, which would define the optimum treatment configuration for San Pasqual groundwater and other City groundwater resources. Research before design typically reduces the overall life cycle costs of groundwater water treatment facilities.

The Department is conducting the Water Reuse Study 2005 to evaluate alternative uses for locally produced recycled water. MWH has just completed pilot level equipment testing on the City's recycled water to evaluate water quality related to indirect potable reuse. Not extending this Agreement would increase the cost and time needed to do any additional related studies that may be required.

To summarize, the Department's Water Treatment Equipment Research program provides a valuable tool to better evaluate our water supply options and to achieve the City's Long-Range Water Resources Plan goals. Extending MWH's contract would help staff optimize groundwater treatment configurations before design and assure experienced support in evaluating water quality issues. To advertise and select a new consultant at this time would interrupt the City's ongoing research and associated water supply efforts.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

\* ITEM-53: (Continued)

**SUPPORTING INFORMATION:** (Continued)

**FISCAL CONSIDERATIONS:**

Execution of this amendment will not require additional funding. The maximum contract expenditure limit remains at \$3 million, as set forth in the original Agreement. To date, fifteen (15) task orders have been authorized under this Agreement totaling \$1,787,406. Task Order funding will be identified and approved as tasks are defined. Funds for these tasks will be budgeted in a capital improvements project (CIP) or O&M budget. Most previous tasks orders have been reimbursed through grant funds, and it is anticipated that most future task orders will be reimbursed through grant funds.

**PREVIOUS COUNCIL/COMMITTEE ACTION:**

On April 5, 2006 the Natural Resources and Culture Committee approved this requested action. On August 6, 2001, Council authorized the City Manager to execute the original Agreement with MWH Americas, Inc. (formerly known as Montgomery Watson America, Inc.) (Resolution No. R-295356).

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Research projects are conducted at City owned water and wastewater facilities. The nature of the work is gathering information to make better engineering/planning decisions, rather than project construction. This research is shared with water industry professionals through conference presentations and peer reviewed journal articles, and locally through the San Diego County Water Authority and the Metropolitan Water District.

**KEY STAKEHOLDERS:**

MWH Americas, Inc. & Subcontractor Cal-Science Laboratories

Yackly/Haas

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

\* ITEM-100: La Jolla Cove Wall Replacement and Bluff Improvements.

(La Jolla Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-977)

Authorizing the City Auditor and Comptroller to increase the FY 2006 Capital Improvements Program budget by \$70,000 in CIP-52-670.0, Coast Boulevard Bluff Stabilization, Fund 79514, La Jolla Developer Impact Fees;

Authorizing the City Auditor and Comptroller to expend \$70,000 from CIP-52-670.0, Coast Boulevard Bluff Stabilization, Fund 79514, La Jolla Developer Impact Fees, for the purpose of funding changes to the scope of work and associated administrative costs to close out the project, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the City Auditor and Comptroller, upon the advice of the administering department, to return excess budgeted funds, if any, to the appropriate reserves;

Declaring this activity is adequately addressed in the environmental document for Project No. 4779, SCH No. 97101071, La Jolla Cove Wall Replacement and that there is no change in circumstance or additional information to warrant additional environmental review.

**STAFF SUPPORTING INFORMATION:**

Coast Boulevard is vital to providing coastal access and facilitating traffic flow in La Jolla. At La Jolla Cove the existing nearly 100 year old seawall supported the adjacent sidewalk, curb, and street pavement. Replacement of the wall was necessary to prevent the eventual collapse of the wall and loss of street improvements as the existing bluff top sidewalks along Coast Boulevard were being undermined by erosion. Improvement of the sidewalks, curb, and gutter was also required to accommodate the increased use by residents and visitors of this scenic path of travel.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The La Jolla Wall Replacement and Bluff Improvements project removed the seawall at La Jolla Cove and replaced it with a new, buried wall and cantilevered sidewalk, and reconstructed the bluff slope with a landscaped geogrid reinforced fill. Undermined sidewalks along Coast Boulevard from La Jolla Cove to Children's Pool were relocated inland and upper bluff areas were landscaped. Although construction has been completed, additional funds are required to cover the cost of actual field measured quantities, the provision of unbudgeted monitoring and reporting before and during construction as required by the Incidental Harassment Authorization permit to do work near the seals at Children's Pool, and associated administrative costs to close out the project.

**FISCAL CONSIDERATIONS:**

Funds for this action are available in Fund 79514, La Jolla Development Impact Fee Fund and are identified in the La Jolla Public Facilities Financing Plan.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Resolution No. R-291073 (12-7-98) added CIP-52-670.0, La Jolla Cove Bluff Stabilization, to the Fiscal Year 1999 CIP Program Budget and transferred \$800,000 to the project from the Transient Occupancy Tax (TOT) Fund - Coastal Infrastructure and Facilities. Resolution No. R-293967 (10-16-00) authorized an allocation of \$250,000 to the project from Fiscal Year 2001, TransNet, CIP-52-545.0, Coastal Erosion Affecting City Streets. Resolution No. R-299289 (6-7-04) authorized the transfer of \$47,292 to the project from Transient Occupancy Tax (TOT) Fund - Coastal Infrastructure, CIP-52-348.0, Coastal Infrastructure Improvements.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

An Environmental Impact Report (EIR) was prepared for this project and put out for public review and comment. Subcommittees and full committees of the La Jolla Town Council and La Jolla Planning Association reviewed and approved this project.

**KEY STAKEHOLDERS:**

FCI Constructors, Inc., the contractor for the project.

Boekamp/Haas

Aud. Cert. 2600780.

Staff: Dave Zoumaras - (619) 533-3138  
Jeremy A. Jung - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: Francis Street Excess Land Sale.

(Mountain View Community Area. District 4.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-966)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a quitclaim deed, to adjacent property owner, Jose Sanchez, all the City's right, title, and interest in a 3,280 square foot parcel, being a portion of Lots 1 and 2 in Block 83 San Diego Homestead Union, as more particularly described in the quitclaim deed for the sum of \$16,000;

Authorizing the City Auditor and Comptroller to accept \$16,000 and deposit said sum into the General Fund.

**STAFF SUPPORTING INFORMATION:**

The 3,250 square foot parcel, to be sold, was Quit Claimed to the City by Caltrans as excess land from the State's development of the Imperial Avenue northbound on-ramp to I-15. The parcel is trapezium shape, sloping to Francis Street on the west side and abutting the trolley line to the south.

Approval of the sale of the parcel for \$ 16,000 will relieve the City of liability and maintenance of a property that due to its irregular shape and topography would have limited, if any, potential for individual development. Joining the parcel with the adjacent property will provide for a more residentially developable property.

**FISCAL CONSIDERATIONS:**

Proceeds from the sale of the property, \$16,000, will be deposited into the General Fund.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

None

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

N/A

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

Mount Hope community will receive a site for new residential housing Jose Sanchez, adjacent property owner, will have a more developable property.

MacKenzie/Waring

Staff: Waring - (619) 236-6721  
Brock Ladewig - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: Two actions related to Inviting Bids for the Construction of Sewer Group 783.

(See Executive Sheet dated 3/29/2006. Eastern and College Community Areas.  
District 7.)

**TODAY'S ACTION ARE:**

Adopt the following resolutions:

Subitem-A: (R-2006-955)

Approving the plans and specifications for the construction of Sewer Group 783  
(Project), on Work Order No. 178431;

Authorizing the Mayor, after advertising for bids in accordance with law, to  
execute a construction contract with the lowest responsible and reliable bidder for  
the Project, contingent upon the City Auditor and Comptroller first furnishing one  
or more certificates certifying that the funds necessary for expenditure are, or will  
be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed  
\$1,250,000 from Fund 41506, CIP-46-602.6, Sewer Pump Station 79, to Fund  
41506, CIP-44-001.0, Annual Allocation, Sewer Main Replacement;

Authorizing the expenditure of an amount not to exceed \$4,779,675 from Sewer  
Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement, solely  
and exclusively for the purpose of providing funds for the Project and related  
costs, provided that the City Auditor and Comptroller first furnishes one or more  
certificates certifying that funds necessary for expenditure are, or will be, on  
deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the  
administering department, to transfer excess budgeted funds, if any, to the  
appropriate reserves. (BID-K062731C)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

Subitem-B: (R-2006-958)

Certifying that Mitigated Negative Declaration, Project No. 63654 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer Group 783 (the Project);

Finding that Project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving that said Project No. 63654 Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/5/2006, NR&C voted 4-0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

**SUPPORTING INFORMATION:**

Sewer Group 783 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is located in the Eastern and College Area communities. This project includes the replacement of approximately 11,440 linear feet of existing 6 and 8-inch old and deteriorated sewer mains and sewer laterals with 12,700 linear feet of new 8 and 10-inch sewer mains. The streets affected by construction operations within this project are: 69th Street through 73rd Street, Saranac through Amhurst Street, and El Cajon Boulevard as shown on the Location Map. Traffic control plans have been prepared for this project and will be implemented during construction.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**SUPPORTING INFORMATION:** (Continued)

**FISCAL CONSIDERATIONS:**

The total estimated cost of this project is \$4,779,675. Funding is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose. No future funding anticipated.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

The Committee on Natural Resources and Culture on April 5, 2006, consent motion by Councilmember Faulconer, second by Councilmember Atkins. Vote to approve 4-0.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

This project was presented to the Eastern and College Area committees in their meetings in July of 2004. Also, the Committees Chairs were again notified of the current plans and asked for comment in January 2006. In addition, residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again, ten (10) days before construction begins by the Contractor through hand distribution of notices.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

Residents in this area will encounter minor inconvenience during construction. After completion, residents will experience improved reliability of the sewage system.

Boekamp/Haas

Staff: Dave Zoumaras - (619) 533-5100

Eric A. Swenson - Deputy City Attorney



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-103: Two actions related to Inviting Bids for the Construction Contract for Sewer Group 741 Project.

(See memorandum from Patti Boekamp dated 1/10/2006. Uptown and Greater North Park Community Areas. Districts 2 and 3.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2006-784 Rev.)

Approving the plans and specifications for the construction of Sewer Group 741 (Project), on Work Order No. 177381/187121;

Authorizing the Mayor, after advertising for bids in accordance with law, to award a contract to, and to execute a contract with, the lowest responsible and reliable bidder for the Project, contingent upon the City Auditor and Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$4,485,180 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K061828C)

Subitem-B: (R-2006-948)

Certifying that Mitigated Negative Declaration, Project No. 6705, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer Group 741 (the Project);

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

Subitem-B: (Continued)

Finding that Project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving said Project No. 6705 Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 1/18/2006, NR&C voted 3 to 0 to approve staff's report. (Councilmembers Atkins, Maienschein, and Frye voted yea. Districts 2 and 8 vacant.)

**SUPPORTING INFORMATION:**

Sewer Group 741 is part of the City of San Diego's continuing Annual Sewer Main Replacement Program. This project is located in the Uptown and Greater North Park communities. This project includes the replacement and rehabilitation of approximately 11,000 linear feet of existing 6, 8, and 10-inch old and deteriorated sewer mains and sewer laterals with 10,800 linear feet of new 8 and 10-inch sewer mains and 205 linear feet of rehabilitated 6-inch sewer mains. The streets affected by construction operations within this project are: University Avenue, Eighth Avenue, Vermont Street, Cleveland Avenue, Richmond Street, and Adams Avenue as shown on the attached Location Map. Traffic control plans have been prepared for this project and will be implemented during construction. Residents and businesses will be notified at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again in ten (10) days before construction begins by the Contractor through hand distribution of notices. This project was presented to the Greater North Park Community Planning Committee and the Uptown Committee in their meetings in May of 2003.

**FISCAL IMPACT:**

The total estimated cost of this project is \$4,485,180. Funding is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose.

Boekamp/Haas

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-104: Three actions related to Amending the Linda Vista Public Facilities Financing Plan for FY 2004 and Authorizing a Grant Application for the Linda Vista Community Park Picnic Area.

(Amended May 2006 Linda Vista Public Facilities Financing Plan. Linda Vista Community Area. District 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-987 Rev.)

Authorizing the amendment of the Linda Vista Public Facilities Financing Plan for Fiscal Year 2004 by increasing Project No. P3, Carson Elementary School-Joint Use Improvements, by \$50,000 in Development Impact Fee eligible funding;

Declaring the amended DIF fee for Residential Property as identified in the Linda Vista Development Impact Fee Schedule (attached as Exhibit A), to be an appropriate and applicable DIF fee for all Residential Properties within the Linda Vista area;

Declaring the Docket Supporting Information, including the Executive Summary Sheet and all exhibits and attachments thereto, and the text contained in the Linda Vista Public Facilities Financing Plan, Fiscal Year '04, as adopted and approved on April 19, 2004, by Resolution No. R-299097 (R-2004-914), are incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a project pursuant to CEQA Guidelines Section 15378(c).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

Subitem-B: (R-2006-990 Rev.)

Authorizing the amendment of the Linda Vista Public Facilities Financing Plan for Fiscal Year 2004 by adding Project No. P15, the Linda Vista Community Park Picnic Area, at a cost of \$153,000 in Development Impact Fee eligible funding, to expand park use for future residents;

Declaring the amended DIF fee for Residential Property as identified in the Linda Vista Development Impact Fee Schedule (attached as Exhibit A), to be an appropriate and applicable DIF fee for all Residential Properties within the Linda Vista area;

Declaring the Docket Supporting Information, including the Executive Summary Sheet and all exhibits and attachments thereto, and the text contained in the Linda Vista Public Facilities Financing Plan, Fiscal Year '04, as adopted and approved on April 19, 2004, by Resolution No. R-299097 (R-2004-914), are incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001 (b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) because it does not constitute a project pursuant to CEQA Guidelines Section 15378(c).

Subitem-C: (R-2006-908)

Authorizing the Mayor, or designee, to make an application to the State of California for a Land and Water Conservation Fund Program grant for the Linda Vista Community Park Picnic Area (the Project);

Authorizing the Mayor, or designee, to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned Project;

Certifying the Project is compatible with the land use plans of those jurisdictions immediately surrounding the Project;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

Subitem-C: (Continued)

Certifying the City of San Diego has matching funds for the Project from the following sources: Linda Vista Development Impact Fees, Fund No. 79503, and can finance 100 percent of the Project, half of which will be reimbursed to Fund 79503 upon receipt of grant funds;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend grant funds if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for the grant funds if grant funding is secured;

Authorizing the addition of CIP-29-908.0, Linda Vista Community Park Picnic Area, to the Fiscal Year 2007 Capital Improvements Program;

Amending the Fiscal Year 2007 Capital Improvements Program Budget by increasing CIP-29-908.0, Linda Vista Community Park Picnic Area by \$153,000, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$153,000 from Linda Vista Development Impact Fees, Fund No. 79503 to CIP-29-908.0, Linda Vista Community Park Picnic Area, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$153,000 from CIP-29-908.0, Linda Vista Community Park Picnic Area, for the purpose of developing a picnic area at Linda Vista Community Park, contingent upon receipt of a fully executed grant agreement;

Declaring this Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303(d) because the Project involves the conversion of an existing small structure.

**STAFF SUPPORTING INFORMATION:**

Both the Carson Elementary School-Joint Use Improvements (Project No. P3) and the Linda Vista Community Park Picnic Area (Project No. P15) will be included as amendments to the Linda Vista PFFP.

The grant proposal is for the Linda Vista Community Park Picnic Area. The project will include a picnic shelter, picnic tables, barbeques and other amenities. Under Public Law 88-578, Congress has authorized the establishment of a Federal Land and Water Conservation Fund Grant-in-Aid program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The California Department of Parks and Recreation is responsible for administration of the program within the State, setting up necessary rules and procedures for governing applications by local agencies under the program. The procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications and the availability of matching funds prior to applications to the State. The proposed Linda Vista Community Park Picnic Area is consistent with the statewide comprehensive recreation resources plan California Recreation Plan - 2002. The proposal is also compatible with the City of San Diego's land use plans for the surrounding area.

**FISCAL CONSIDERATIONS:**

The Land and Water Conservation Program requires a 50/50 match from local sources. As proposed, the grant will provide \$76,500 as the total project cost is \$153,000. The required match will be funded by \$76,500 from the City's DIF, Fund No. 79503 as allocated by Council District 6. The grant program requires grantees to finance 100%, and then reimburses 50% at project completion. Once the project is funded and completed, the grant payment of \$76,500 will reimburse the DIF, Fund No. 79503. Annual maintenance of the picnic area will be included in the regularly scheduled maintenance for Linda Vista Community Park with no additional budget required.

This action also amends the Linda Vista (PFFP) by increasing the DIF eligible funding for Carson Elementary School - Joint Use Improvements Project P-3, by \$50,000 due to cost increases to be brought to Council at a future date.

This Linda Vista PFFP amendment will increase fees by \$24 from \$502 to \$526 per unit.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

The Linda Vista PFFP for Fiscal Year 2004 was adopted on April 19, 2004, by Council Resolution R-299097.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Linda Vista Recreation Council has requested a picnic area during the Park and Recreation Department's park planning process, the Unfunded Park Improvement list, in 1997, 2001, 2003 and 2005.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):**

Impact: The community and future residents will benefit from the recreational facilities.

Medina/Martinez

Aud. Cert. 2600820.

Staff: Heidi Lang - (619) 525-8218

Eric A. Swenson - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-105: Fifth Amendment to the Retainer Agreement with Latham & Watkins for Outside Counsel Services in Otay Acquisition v. City of San Diego, SDSC Case No. GIC 753247; National Enterprises v. City of San Diego, SDSC Case No. GIC 730011; Border Business Park, Inc. v. City of San Diego, SDSC Case No. GIC 692794; and Related Matters.

(Otay Mesa Community Area. District 8.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-992)

Authorizing a Fifth Amendment to the Retainer Agreement by and between the City of San Diego and Latham & Watkins, for legal services in Otay Acquisition v. City of San Diego, San Diego Superior Court Case No. GIC 753247, National Enterprise v. City of San Diego, San Diego Superior Court Case No. GIC 730011, and Border Business Park, Inc. v. City of San Diego, San Diego Superior Court Case No. GIC 692794;

Authorizing the expenditure of an amount not to exceed \$1,500,000 from Liability Fund No. 81140, solely and exclusively, for the purpose of providing funds for the above agreement;

Authorizing the City Auditor and Comptroller to appropriate and transfer funds from the General Fund Unappropriated/Unallocated Reserves to the Public Liability Fund 81140 in order to meet these obligations.

**SUPPORTING INFORMATION:**

Since February of 2001, the City has been represented by outside counsel, Latham & Watkins LLP ("Latham") on post-trial motions, trial court proceedings, appellate proceedings and settlement discussions in three De La Fuente cases, Otay Acquisitions v. City, S.D.S.C. Case No. GIC 753247; National Enterprises v. City, S.D.S.C. Case No. GIC 730011; and Border Business Park, Inc. v. City, S.D.S.C. Case No. GIC 692794. The latter case, Border, resulted in a \$94.5 million verdict against the City in January 2001. Another law firm, Horvitz & Levy, is co-counsel with Latham on the Border appeal.

To date, the Council has authorized \$6.5 million for outside counsel and consultant fees for defense of the De La Fuente cases and related matters (approximately \$1.5 million of this was paid to the City's trial and post-trial consultants).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**SUPPORTING INFORMATION:** (Continued)

Additional funding of \$1,500,000 now is requested to fund the necessary ongoing outside counsel services, which include (1) additional briefing filed in the Court of Appeal in Border, and argument preparation; (2) defending and filing motions in National and Otay; and (3) monitoring developments in related cases.

**REIMBURSEMENT OF CITY'S DEFENSE COSTS**

As a result of the City's successful litigation against the City's insurance carriers, approximately \$5,637,427 of insurance proceeds already have been received to help defray the costs of the representation for defense of these matters (including fees paid to both Latham and Horvitz, as well as consultant fees), and for payment of damages (if any).

In addition to monies received from ISOP, another City insurer, United National, without litigation has paid one occurrence policy limit (\$2 million), which the City can use to fund any settlement or liability in the De La Fuente cases.

Collectively, these payments total the over \$5.6 million recovered in insurance proceeds to date.

**FISCAL CONSIDERATIONS:**

Request would require City Auditor and Comptroller to appropriate and transfer funds from the General Fund Unappropriated/Unallocated Reserves to the Public Liability Fund to meet these obligations. Bills will continue to be partially reimbursed by insurance carrier.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Closed Session Approval of Fifth Amendment on May 16, 2006.

Fourth Amendment in the amount of \$500,000 agreed to by City Council on November 21, 2005.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

N/A

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

Law firm of Latham & Watkins, Kristine Wilkes, lead partner.

Sachs

Aud. Cert. 2600827.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: Item 106 has been taken off the docket.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-107: Accepting Donations Pursuant to Council Policy 100-02 and Ratifying Apparent Council Action dated April 16, 2006 Placing in the Union Tribune an Advertisement Encouraging Citizen Participation in City Council Meetings for the Proposed FY 2007 Budget.

(See memorandum from City Attorney Aguirre dated 5/17/2006.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-988)

Accepting the donations received by the City to fund the two-page advertisement that appeared in the San Diego Union-Tribune on April 16, 2006, entitled "City of San Diego Citizen's Budget Guide."

Ratifying Council action placing an advertisement on April 16, 2006, in the San Diego Union-Tribune encouraging citizen participation in City Council meetings for the proposed Fiscal Year 2007 budget.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-108: Mission Hills 20SD Conversion Easement Grant to San Diego Gas & Electric Company.

(Mission Hills, northerly end of Arista Drive just east of Hickory Street Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-972)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a deed conveying to San Diego Gas & Electric Company, a corporation, an easement for the purpose of constructing, repairing, maintaining and using underground facilities and appurtenances for the transmission of electricity, affecting a portion of Lot 15 in Block 496 of Presidio Ridge, according to Map thereof No. 1760, filed in the Office of the County Recorder of said County of San Diego, as more particularly described in said deed.

**STAFF SUPPORTING INFORMATION:**

As part of the City's utility undergrounding program, (Council Policy 600-08), existing aboveground utility facilities will be relocated underground. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for a transformer and a fuse cabinet, which are necessary for the conversion. The easement will provide the necessary rights for SDG&E to relocate as requested by the City's undergrounding program. The total area of the easement is approximately 391 square feet. The easement has been valued by City valuation staff to be worth \$6,745. Since this project is a California Public Utilities Code 20SD conversion, the cost of which is paid by the City, no compensation is requested for this easement.

**FISCAL CONSIDERATIONS:**

A processing fee of \$1,590 was deposited into Fund 100 from CIP Fund 30244, Job Order No. 370332.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

This area has been declared by Council Resolution as part of an Underground Utility District.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-108: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Not applicable.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Conversion of overhead facilities to underground facilities benefits the public health, safety or general welfare.

Boyle/Waring

Staff: Steve Geitz - (619) 236-6311  
Brock Ladewig - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-109: 28<sup>th</sup> Street 20SD Conversion Easement Grant to San Diego Gas & Electric Company.

(Logan Heights, southwest corner of La Binda Park Community Area. Districts 4 and 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-963)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a deed conveying to San Diego Gas & Electric Company, a corporation, an easement for the purpose of constructing, repairing, maintaining and using underground facilities and appurtenances for the transmission of electricity, affecting Blocks 2, 4, 6, 8, 10, and 12 of La Binda Park, according to Map thereof, No. 1538, filed in the Office of the County Recorder of said County of San Diego, together with those portions of 29<sup>th</sup> Street, Hampton Court, Palm Court, and Holly Court, vacated and closed to public use, as more particularly described in said deed.

**STAFF SUPPORTING INFORMATION:**

As part of the City's utility undergrounding program, (Council Policy 600-08), existing aboveground utility facilities will be relocated underground. In order to accomplish the relocation, San Diego Gas & Electric Company (SDG&E) has requested an easement for underground facilities. The easement will provide the necessary rights for SDG&E to relocate as requested by the City's undergrounding program. The total area of the easement is approximately 7,353 square feet. The easement has been valued by City valuation staff to be worth \$40,441. Since this project is a California Public Utilities Code 20SD conversion, the cost of which is paid by the City, no compensation is requested for this easement.

**FISCAL CONSIDERATIONS:**

A processing fee of \$1,590 was deposited into Fund 100 from CIP Fund 30244, Job Order No. 373039.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

This area has been declared by Council Resolution as part of an Underground Utility District.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Not applicable.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

Conversion of overhead facilities to underground facilities benefits the public health, safety or general welfare. SBC is not currently a participant in the undergrounding program; therefore, no poles will be removed at this location at this time. SBC is working out details with the Public Utilities Commission for participation in the undergrounding program. Conduits are being installed for SBC so no re-trenching will be required when they underground at this location.

Boyle/Waring

Staff: Steve Geitz - (619) 236-6311  
Brock Ladewig - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-110: Proposition 81 The California Reading and Literacy Improvements and Public Library Construction and Renovation Bond Act of 2006.

(See memorandum M-06-04-07 from Councilmember Madaffer dated 4/7/2006.)

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-961)

Supporting the passage of Proposition 81, the California Reading and Literacy Improvements and Public Library Construction and Renovation Bond Act of 2006, on the June 6, 2006, statewide election ballot;

Declaring no public funds shall be used in the campaign for Proposition 81;

Directing the City Clerk to forward a copy of the resolution after its adoption to Yes for Libraries headquarters.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-111: Water Easement Quitclaim.

(City of Escondido northwest of the Wild Animal Park.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-943)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, a quitclaim deed, granting to New Urban West, Inc., all the City's right, title, and interest in the water line easement, as more particularly described in the quitclaim deed.

**STAFF SUPPORTING INFORMATION:**

In 1971 the City obtained a 10 foot wide easement for the installation of an 8 inch diameter water line to supply water to the Wild Animal Park. In conjunction with recent construction in the area, the 8 inch waterline has replaced with an upgraded 12 inch line by New Urban West, Inc., at the request of the Wild Animal Park, and re-located in the public right of way. The upsized line is planned to meet the park's future water requirements.

New Urban West, Inc. has requested that the old easement, which runs across their property, be quitclaimed to them in order to clear the title on their property.

**FISCAL CONSIDERATIONS:**

The new upgraded line was installed at no cost to the City.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

N/A

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

The Wild Animal Park was able to receive an updated waterline with no impact to their operating budget. New Urban West, Inc.

Boyle/Waring

Staff: Boyle - (619) 236-5548

Brock Ladewig - Deputy City Attorney



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: Settlement of Personal Injury Claim of Daniel Raymond Garcia.

(District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-899)

Authorizing the Mayor, or his designee, to pay up to the total sum of \$175,000 in settlement of each and every claim against the City, its agents and employees, in the Superior Court Case No. GIC 844402, entitled Daniel Garcia v. City of San Diego, resulting from the Damages Claim of Daniel Garcia;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$175,000 payable to Daniel Garcia, and his attorney of record, Catherine Richardson.

**STAFF SUPPORTING INFORMATION:**

The proposed settlement would resolve all claims and litigation, arising out of a trip and fall which occurred May 14, 2004, at Bob Kenny field in Ocean Beach.

**FISCAL CONSIDERATIONS:**

Settlement will be paid from the Public Liability Fund.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

This settlement has been heard in closed session.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

N/A

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Daniel Raymond Garcia and Law Offices of Catherine A. Richardson

Bych/Goldstone

Aud. Cert. 2600805.

**NOTE:** The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

Staff: Janice Ellis - (619) 236-7705  
Eugene Gordon - Assistant City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-113: Reappointments to the Solid Waste Local Enforcement Agency Hearing Panel.

(See memorandum from Council President Peters dated 5/16/2006.)

**COUNCIL PRESIDENT PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-938 Cor. Copy)

Confirming the following appointments by the Council President of the City of San Diego, to serve as members of the Local Enforcement Agency Hearing Panel, for terms ending as indicated below:

<b><u>NAME</u></b>	<b><u>CATEGORY</u></b>	<b><u>TERM ENDING</u></b>
David Ferguson (Tierrasanta, District 7) (Replacing Thomas Day, whose term has expired)	Public at Large	January 1, 2007
John Lorman (Reappointment)	Legal	January 1, 2010
Ken Calvert (Reappointment)	Technical Expert	January 1, 2010

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-114: The International Rescue Committee (IRC) San Diego Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-978)

Commending the IRC San Diego for their ongoing and outstanding commitment to help San Diego area refugees become productive, self-sufficient members of the communities into which they are relocated, and for the compassion, efficiency and flexibility the organization continues to exhibit as they carry out their mission;

Proclaiming May 17, 2006, to be "The International Rescue Committee San Diego Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-115: Appointment to the San Diego Model School Development Agency Board of Directors.

(City Heights Community Area. District 3.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-960)

Appointing Mr. Ted Martinez, Jr., Deputy Chief Operating Officer for Neighborhood and Customer Services, to the Board of the San Diego Model School Development Agency (SDMSDA) to serve on behalf of the City of San Diego.

**SUPPORTING INFORMATION:**

The SDMSDA is a joint powers agency created in 2002 to facilitate an innovative concept to turn investment in new school construction into the central focus of a new community. Concern for housing supply has resulted in a commitment to replace all the housing lost to needed school construction - both owner occupied and for sale housing, along with neighborhood serving retail space. In addition to educational and joint use recreational facilities, a day care center and other family services are envisioned as are enhanced open space, pedestrian connections and traffic calming measures.

The SDMSDA is governed by a Board of Directors appointed by its four member agencies (San Diego Unified School District, City of San Diego, its Redevelopment Agency and the Housing Authority) and a community representative. Currently, Housing Commission Board Chair Sal Salas represents the Housing Authority and was elected Chairman of the SDMSDA board. Both the City and Redevelopment Agency representatives (Ellen Oppenheim and Debra Fischle-Faulk, respectively) have moved on to other positions.

The SDMSDA holds noticed, open meetings in City Heights to conduct its business. Agenda material is emailed to interested parties and placed in two locations in City Heights. Occasional mailings, newsletters and news articles are intended to disseminate information about the Model School.

The Florence Griffith-Joyner Elementary School is under construction and scheduled to open in September 2007. After an open and competitive process seeking a Master Developer for the other uses, CityLink Investment Corporation was selected to perform feasibility studies of the potential project area.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-115: (Continued)

**SUPPORTING INFORMATION:** (Continued)

After consideration of the feasibility information, extensive community input and preliminary environmental analysis, the Board finalized the boundaries of a reduced area to be considered for potential development. Through a formal Owner Participation solicitation, a proposal from the City Heights Community Development Corporation is also under consideration. Finally, the Finance Committee continues to meet to identify funding sources to fill the financing gaps.

This report recommends continued participation by the City by approving Ted Martinez, Jr., Deputy Chief Operating Officer for Neighborhood and Customer Services, to replace Ellen Oppenheim as the City's Director on the Board.

**FISCAL CONSIDERATIONS:**

None with this action.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

The City Council approved formation of the joint powers agency and has previously appointed managers to fill the City's seat.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

None for this action.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

No anticipated impacts by this action. Property owners and residents of the study area and member agencies are stakeholders.

Morris/Salas

**NOTE:** See the Redevelopment Agency Agenda of 5/30/2006 for a companion item.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-116: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-770)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- \* ITEM117: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-927)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:**

ITEM-200: Amending the San Diego Municipal Code Relating to Pedicab Regulations and Transfer of Program to Metropolitan Transit System (MTS).

(See memorandum from Patti Boekamp dated 5/22/06, Report to the City Council No. 06-055, and City Manager Report CMR-05-115.)

(Continued from the meeting of May 16, 2006, Item 53, at the request of the City Council, for further review.)

**TODAY'S ACTIONS ARE:**

Introduce the following ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-2006-79)

Introduction of an Ordinance amending Chapter 8, Article 3, Division 1, of the San Diego Municipal Code relating to Pedicabs by amending Sections 83.0102 through 83.0104, 83.0106, 83.0117, 83.1023 through 83.1025, 83.1028, 83.0130, and 83.1033; repealing Sections 83.0108, 83.0109, 83.0121, 83.0131, and 83.0132; and renumbering Sections 83.0110 and 83.0111.

Subitem-B: (R-2006-1006)

Authorizing the members of the MTS Board that also serve on the City Council of San Diego, to request, for and on behalf of said City, a recommendation that the regulation of pedicabs be transferred to MTS;

Declaring the City's representatives on the MTS Board introduce a resolution directing MTS staff to investigate the legal authority and administrative efficacy of MTS regulating pedicabs, and directing MTS staff to report back to the MTS Board;

Declaring upon completion of this report, the MTS Board and the Council of The City of San Diego, can take any further action to implement the transfer, if so desired;

Declaring this activity is not a project for the purposes of the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(3) and 15378(b)(2) because this activity is a general policy and procedure making.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:  
(Continued)

ITEM-200: (Continued)

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S  
RECOMMENDATION:**

On 5/18/2005, PS&NS voted 4 to 0 to approve the City Manager's recommendations. (Councilmembers Zucchet, Atkins, Madaffer, and Inzunza voted yea. Councilmember Young not present.)

**SUPPORTING INFORMATION:**

The City of San Diego began regulating the pedicab industry in January 2000. Vehicles and operators are licensed separately; each permit costs \$25. Separate permits are required to operate pedicabs on Port District property and in Balboa Park, with different fee structures for each jurisdiction.

Staff from the City's Engineering & Capital Projects Department (administrators of the program) and the Police Department met with various stakeholders to find ways that the pedicab regulation programs could be improved. One consistent finding was the establishment of a "one-stop shop" for permit issuance and industry regulation. MTS was the preferred entity, as it currently regulates other vehicles-for-hire such as taxicabs. Transfer of the pedicab regulation program from the City to MTS would require a vote of the City Council and a vote of the MTS Board of Directors, as well as policy changes at MTS.

Because these changes could take up to a year to implement, amendments to the existing pedicab ordinance should be implemented to improve and strengthen the regulatory process as an interim measure. After conferring with MTS's taxicab administrator, staff developed nine amendments that are consistent with MTS taxicab regulations and that can be implemented at no cost to the City.

If the program is not transferred to MTS, the pedicab regulation program will remain with the Engineering & Capital Projects Department. If this is the case, the nine amendments should be approved as a means of addressing issues of concern as expressed by the stakeholders. Additional amendments could be implemented to bring the regulations to the standard of MTS's taxicab regulations; these would require a full-time staff person to administer.



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:  
(Continued)

ITEM-200: (Continued)

**SUPPORTING INFORMATION:** (Continued)

**FISCAL CONSIDERATIONS:**

Permit fees for FY2006 are expected to be \$15,000. These fees cover the costs of administering the current program, including issuance of permits, maintaining a database of owner/operator information. These cost-recovery fees would be lost if the program is transferred to MTS. The nine proposed amendments would create no additional fiscal burden on the program. Should Council decide to increase the level of regulation to that of MTS's taxicab regulation, fees would need to be increased to cover the cost of a full-time Clerical Assistant II. The Police Department's level of enforcement would remain unchanged, with citations issued on an as-needed basis.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

On May 18, 2005, the Public Safety & Neighborhood Services Committee voted 4-0 (Madaffer, Zucchet, Atkins, Inzunza in support; Young not present) to approve the transfer to MTS and also approved the six ordinance amendments which were presented at that time.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

See Attachment A.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

MTS would assume responsibility for pedicab administration.

Pedicab passengers would potentially receive improved service.

Pedicab owners would incur costs of approximately \$15 per vehicle for the rate cards and identification numbers, and \$125 per vehicle for seatbelts. It should be noted that many pedicab owners have already installed seatbelts on their vehicles.

Boekamp/Haas

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-201: Modifications to Mayor's 2006-2007 Budget.

(See Office of Independent Budget Analyst Memorandum No. 06-9 dated 5/26/2006.)

**INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-997)

Accepting the modifications to the Mayor's Fiscal Year 2007 Proposed Budget recommended by the Independent Budget Analyst and summarized in IBA Memorandum No. 06-09 released on May 26, 2006;

Authorizing and directing the City Clerk to return the Mayor's Proposed Fiscal Year 2007 Budget, together with recommendations of the Independent Budget Analyst, to the Mayor in accordance with Section 290(b)(2)(A) of the Charter.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: Mayor's Response to the San Diego County Grand Jury Report on Qualcomm Stadium Advisory Board.

**MAYOR SANDERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-1013)

Accepting and adopting each and every recommendation and finding of the Mayor's response dated May 30, 2006, to the San Diego County Grand Jury report, "Qualcomm Stadium Advisory Board".

**SUPPORTING INFORMATION:**

After a review of all the facts alleged in the February 28, 2006, County Grand Jury's report on the Qualcomm Stadium Advisory Board, the Mayor has prepared a response. Since the report calls for a separate response from City Council, it is recommended that the City Council review the Mayor's response and either join in the response or direct the City Attorney's office to prepare a separate response on behalf of the City Council.

Haas/Michell

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Monday's, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

**Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

## ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval – 1260 Parker Place.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1260 Parker Place” (T.M. No. 70813/PTS No. 73510), located on the north side of Parker Place between Everts Street and Fanuel Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

**PUBLIC NOTICES: (Continued)**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

**ITEM-252: Notice of Pending Final Map Approval – 5358 Rex Avenue.**

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “5358 Rex Avenue” (T.M. No. 146535/PTS No. 97451), located on the north side of Rex Avenue between Shiloh Road and 54<sup>th</sup> Street in the Mid City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – Felton Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Felton Street” (T.M. No. 169450/PTS No. 89658), located on the west side of Felton Street between El Cajon Boulevard and Meade Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: **Notice** of Pending Final Map Approval - Sunset Cove.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Sunset Cove" (T.M. No. 57744/PTS No. 84644), located southwesterly of Cowley Way and Iroquois Avenue in the Clairemont Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-255: **Notice** of Pending Final Map Approval - 2161 Saipan Drive.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "2161 Saipan Drive" (T.M. No. 196453/PTS No. 90984), located northwesterly of Saipan Drive and Potomac Street in the Skyline-Paradise Hills Community Plan Area in Council District 4, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-256: **Notice** of Pending Final Map Approval - Blue Waters Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Blue Waters Condominiums" (T.M. No. 228104/PTS No. 96102), located on the west side of 44<sup>th</sup> Street south of Orange Avenue in the Mid-City: City Heights Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT